

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT EXAMINING OPERATION

APPLICATION NO. 09/654,949  
FILING DATE: SEPTEMBER 1, 2000  
ATTN'Y DOCKET NO.: ETS-TCA  
APPLICATION OF: PETER BRITTINGHAM, MARY E. MORLEY, MARK K.  
SINGLEY, MARK G. ZELMAN, KRISHNA N. JHA,  
JAMES H. FIFE, ROBERT L. RARICH, IRVIN R.  
KATZ, RANDY E. BENNETT  
FOR: COMPUTER-BASED TEST-ITEM GENERATION AND  
CLONING

**VERIFIED STATEMENT BY NON-PROFIT ORGANIZATION  
CLAIMING SMALL ENTITY STATUS,  
37 C.F.R. §§ 1.9(f) and 1.27(d)**

Commissioner of Patents & Trademarks  
Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization Educational Testing Service, Princeton, New Jersey 08541.

I hereby declare that Educational Testing Service is a nonprofit educational organization chartered by the Board of Regents of the State of New York and is qualified under the Not-For-Profit Corporation Law of the State of New York of the United States of America.

I hereby declare that Educational Testing Service qualifies as a nonprofit organization as defined in 37 C.F.R. §

1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled COMPUTER-BASED TEST-ITEM GENERATION AND CLONING, PETER BRITTINGHAM, MARY E. MORLEY, MARK K. SINGLEY, MARK G. ZELMAN, KRISHNA N. JHA, JAMES H. FIFE, ROBERT L. RARICH, IRVIN R. KATZ, RANDY E. BENNETT, inventors, attorney docket number ETS-TCA-PA, application number 09/654,949, filed on September 1, 2000.

I hereby declare that rights to the above identified invention have been conveyed to and remain with Educational Testing Service.

I acknowledge the duty to file pursuant to 37 C.F.R. § 1.28(b), in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false

statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing:

Title in Organization:

Address of Person Signing:

Date: December 11, 2000

STANFORD VON MACKHAUSER  
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